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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ________ DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No. 07 MJ 2894
v.	COMPLAINT FOR VIOLATION OF
Marcos Jonatan LOPEZ-Hernandez Defendant.	Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Aliens Without Presentation (Felony)

The undersigned complainant being duly sworn states:

On or about **December 13, 2007** within the Southern District of California, defendant **Marcos Jonatan LOPEZ-Hernandez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Seleste Geovana ALBORES-Munoz, Ismael SOLANO-Rodriguez,** and **Jose Luis AGUAYO-Cervantes**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Signature of Complainant
Sara M. Esparagoza
U.S. Customs and Border Protection Officer

Sworn to before me and subscribed in my presence, this **14th** day of **December 2007**.

United States Magistrate Judge

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PROBABLE CAUSE STATEMENT

The complainant states that **Seleste Geovana ALBORES-Munoz, Ismael SOLANO-Rodriguez,** and **Jose Luis AGUAYO-Cervantes** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 13, 2007 at approximately 6:15 AM, **Marcos Jonatan LOPEZ-Hernandez (Defendant)** applied for admission into the United States from Tijuana, Mexico at the San Ysidro, California Port of Entry through vehicle primary lane 16. Defendant was the driver of a stolen blue 1996 Ford Windstar. Accompanying Defendant was a female passenger later identified as Oliva GUTIERREZ-Ramirez. During primary inspection before a Customs and Border Protection (CBP) Officer, Defendant presented as his own, a Border Crossing Card bearing the name Fernando GAMBOA-Hernandez and a second Border Crossing Card on behalf of the passenger bearing the name Ramona AVILA De Alvarado. The primary CBP Officer recognized Defendant and the passenger as imposters to the documents presented and requested for assistance. A secondary officer responded to the request, conducted a cursory inspection of the vehicle and discovered people in a compartment located under the rear seats. Defendant was taken into custody and escorted to a secondary office for further investigation. The vehicle was driven to the secondary lot for further inspection.

In secondary, three persons were discovered and removed from underneath the seats. All were identified as Mexican citizens without proper documents to enter the United States. Defendant and passenger were also determined to be Mexican citizens without proper documents to enter or reside in the United States. The three undocumented aliens concealed under the seats were retained as Material Witnesses and are now identified as **Seleste Geovana ALBORES-Munoz, Ismael SOLANO-Rodriguez,** and **Jose Luis AGUAYO-Cervantes.**

Defendant was advised of his Miranda rights and elected to make a statement and answer questions without a lawyer present. Defendant admitted he is a Mexican citizen without legal documents to enter or reside in the United States. Defendant stated he was going to receive a sum of $900.00 USD for the smuggling act. Defendant stated he made the smuggling arrangements with a male named "Tono" in Tijuana, Mexico. Defendant stated he was going to deliver the vehicle to a gas station off of H Street.

Material Witnesses were interviewed and gave the following declaration: Material Witnesses declared being citizens of Mexico without entitlements to enter or reside in the United States. Material Witnesses stated they intended to travel to the United States to either seek employment or visit family. Material Witnesses stated they were going to pay smuggling fees ranging between $2,000.00 USD and $4,000.00 USD.